

## UNITED STATES DISTRICT COURT

for the  
District of Arizona11/15/17  
MA  
United States of America )

v. )

Alberto Lopez-Tejada, )

a.k.a.: Alberto Lopez Tejada, )

a.k.a.: Carlos Adan Aguilar-Avitia, )

a.k.a.: Luis Mario Quiroz-Duarte, )

(A098 289 810)

Defendant

Case No. 17-576MS

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of September 15, 2014, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

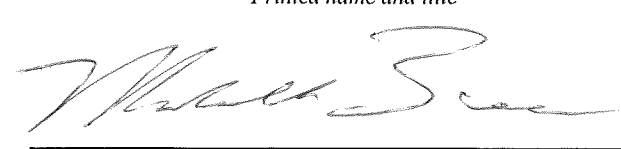
Alberto Lopez-Tejada, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about November 18, 2005, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1). I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

**See Attached Statement of Probable Cause Incorporated By Reference Herein**CEB  
REVIEWED BY: Charles E. Bailey, P.S. for AUSA Kathy J. Lemke☒ Continued on the attached sheet.
  
 Complainant's signature
Richard G. Prunty,  
Deportation Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: November 17, 2017
  
 Judge's signature
City and state: Phoenix, ArizonaMichelle H. Burns,  
United States Magistrate Judge

Printed name and title

### STATEMENT OF PROBABLE CAUSE

I, Richard G. Prunty, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On September 15, 2014, Alberto Lopez-Tejada was booked into the Maricopa County Jail (MCJ) intake facility by the Phoenix Police Department on local charges. While incarcerated at the MCJ, Lopez-Tejada was examined by ICE Agent S. Lehman who determined him to be a Mexican citizen, illegally present in the United States. On the same date, an immigration detainer was lodged with the MCJ. On November 16, 2017, Lopez-Tejada was released from the Arizona Department of Corrections and transported to the Phoenix ICE office for further investigation and processing. Lopez-Tejada was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
3. Immigration history checks revealed Alberto Lopez-Tejada to be a citizen of Mexico and a previously deported criminal alien. Lopez-Tejada was removed from the United States to Mexico through Nogales, Arizona, on or about November 18, 2005,

pursuant to an order of removal issued by an immigration official. There is no record of Lopez-Tejada in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Lopez-Tejada's immigration history was matched to him by electronic fingerprint comparison.

4. Criminal history checks revealed that Alberto Lopez-Tejada was convicted of Attempted Sale of Dangerous Drugs, a felony offense, on April 29, 2004, in the Superior Court of Arizona, Maricopa County. Lopez-Tejada was sentenced to four and one half (4.5) years' incarceration. Lopez-Tejada's criminal history was matched to him by electronic fingerprint comparison.
5. On November 16, 2017, Alberto Lopez-Tejada was advised of his constitutional rights. Lopez-Tejada freely and willingly acknowledged his rights and declined to make any further statements.
6. For these reasons, this affiant submits that there is probable cause to believe that on or about September 15, 2014, Alberto Lopez-Tejada, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about November 18, 2005, and not having obtained

the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1).



---

Richard G. Prunty,  
Deportation Officer,  
Immigration and Customs Enforcement

Sworn to and subscribed before me  
this 17<sup>th</sup> day of November, 2017.



---

Michelle H. Burns,  
United States Magistrate Judge